

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, et al.,

Plaintiffs,

- against -

DEUTSCHE TELEKOM, AG, et al.,

Defendants.  
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**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 12/10/2019

19-cv-5434 (VM) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

Non-parties Altice, AT&T and Comcast seek to maintain the confidentiality at trial of certain documents. This Court previously has directed the parties and non-parties to pare down any such requests to only those that would pass muster under Second Circuit standards. The parties and non-parties have worked assiduously to do so. The Court already has ruled with respect to Altice documents. Accordingly, this Order addresses the AT&T and Comcast documents, which were discussed during a telephone conference held on December 10, 2019. The Court has reviewed each document at issue. Having considered each document, the parties' submissions and arguments, prior proceedings, the presumption of public access to judicial documents, the status of AT&T and Comcast as non-parties, and the Second Circuit standards set forth in *Lugosch v. Pyramid Company of Onondaga*, 435 F.3d 110 (2d Cir. 2006), the Court determines as follows:

**COMCAST DOCUMENTS**

**The following documents may be maintained as confidential at trial (identified by Bates number of the first page of the document):**

6832

27231

27807

29794

1690

**The following documents should be redacted so that only confidential material, if any, is redacted from public disclosure:**

27230

31662 (appears to be summary of information presented by third parties and of general trends, none of which should be maintained as confidential)

33419 (much of this appears to be from JPMorgan report; only interlineated comments of Comcast personnel potentially may be maintained as confidential)

18713

19629

58961

58965

22617 (appears to be report provided by third-party data reporting numbers that are available to anyone who pays to receive the data; if so, none of this may be maintained as confidential)

36561

36710

36733

**Any of the Comcast documents not listed above shall not be maintained as confidential.**

### **AT&T DOCUMENTS**

**The following documents may be maintained as confidential at trial (identified by Bates number of the first page of the document):**

N.A.

**The following documents should be redacted so that only the confidential material, if any, is redacted from public disclosure:**

147567

167878

135464

6902

34269

37371

165967

**Any of the AT&T documents not listed above shall not be maintained as confidential.**

To be clear, the exchange of information between AT&T's Executive Vice President of Regulatory Affairs and the Policy Director of AT&T's largest union may not be maintained as confidential at trial.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: December 10, 2019  
New York, New York

Copies transmitted to:  
all counsel of record via ECF.